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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,244

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EXAMINER

TRIEU, THERESA

ART UNIT

PAPER NUMBER

3748

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/519,244

Applicant(s)

CAEDDU, LEONARDO

Examiner

Theresa Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Dec. 27, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt and entry of Applicant's Preliminary Amendment filed on Dec. 27, 2004 is acknowledged.

Claim 15 has been canceled. Overall, claims 1-14 are pending in this application.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

1. The disclosure is objected to because of the following informalities: the following headings in the specification are missing: Background of the Invention, Summary of the Invention, Brief Description of the Drawing, and Detailed Description of the Invention. Applicant is requested to insert heading to separate the various parts of the application. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 recites the limitation "said member" in line 23, "in the component part" line 1, "said push means" in line 15. There is insufficient antecedent basis for this limitation in the claim.

- Claim 10 and 11, the limitation "said member" renders the claim indefinite because it is unclear which member is (i.e. external orbital member, internal orbital member, transmission member, push member), as applicant has claimed.

Claim Objections

3. Claim 1 is objected to because of the following informalities: line 26, "one of said orbital members" should be changed to *--one of said internal and external members --*. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-9 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Phillips (Patent Number 1,486,682) or White, Jr. et al. (White, Jr.) (Patent Number 3,687,578).

Regarding claim 1, Phillips (as shown in Figs. 2-5) or White, Jr. (as shown in Fig. 1) discloses a fluidic machine comprising: a fixed body (not numbered; however, clearly seen in Fig. 5 in Phillips; 10 in White, Jr.); an external orbital member (3 in Phillips; 29 in White, Jr.) installed in the fixed body, supported and guided by the fixed body for rotation around a first rotational axis, the external orbital member (3 in Phillips; 29 in White, Jr.) having internal gear teeth comprising a first teeth number; a transmission member (not numbered; however, clearly seen in Fig. 5 in Phillips; 32 in White, Jr.) installed in the fixed body, supported and guided by

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the fixed body for rotation around a second rotational axis not coincident with the first rotational axis; an internal orbital member (1 in Phillips; 28 in White, Jr.) supported by the transmission member and solid in rotation therewith, the internal orbital member (1 in Phillips; 28 in White, Jr.) having external gear teeth comprising a second teeth number different from the first teeth number, and the internal orbital member extending within the external orbital member and having its own external gear teeth meshing, with relative (namely, only partial) fluid seal, with the internal gear teeth of the external orbital member, thus determining among the gear teeth of the two orbital members spaces whose volume is variable during the rotation; the fixed body having two chambers (see col. 2, line 43-45 in Phillips; 60, 61 in White, Jr.), connected with low and high pressure connections (14, 15 in White, Jr.), respectively; and one of the internal and external members being so shaped as to act as a distributor among the variable volume spaces and the chambers of the fixed body; characterized in that one of the internal and external orbital members (1, 3 in Phillips; 28, 29 in White, Jr.) is mounted axially displaceable, with relative fluid seal, in the component part by which it is supported; that the machine comprises a push member (see col. 2 line 19-35 in Phillips; 76 in White, Jr.) acting against the axially displaceable orbital member for pushing the same in the direction producing a more extended engagement with the other orbital member; and that the machine comprises a piston (17 in Phillips; 58 in White, Jr.), which is mounted displaceable, with relative fluid seal, within the non-axially displaceable orbital member, rests against the axially displaceable orbital member, and is subjected, on the side opposite the axially displaceable orbital member, to the pressure of the high pressure connection; whereby the axially displaceable orbital member is pushed by the pressure of the high pressure connection to withdraw, against the action of the push means,

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within the part supporting the same, this latter along with the piston delimiting the operatively active portion of the two mutually meshing orbital members, namely, the swept volume of the fluidic machine.

Regarding claims 2, 3, 6-9 and 11-14, Phillips or White, Jr. discloses the external orbital member (3 in Phillips; 29 in White, Jr.) is mounted in a fixed axial position, and the internal orbital member (1 in Phillips; 28 in White, Jr.) is mounted axially displaceable, with relative fluid seal, within the transmission member, this latter having an internal outline corresponding to the external outline of the internal orbital member (1 in Phillips; 28 in White, Jr.), which penetrates in part therein with relative fluid seal; the push member (76 in White, Jr.) comprising a compression spring (76 in White, Jr.) acting between a surface of the internal orbital member (28 in White, Jr.) and an end surface of a cavity (not numbered; however, clearly seen in Fig. 1 in White, Jr.) of the transmission member (32 in White, Jr.), in which cavity is mounted the internal orbital member (28 in White, Jr.); the external orbital member (3 in Phillips) having internal gear teeth comprising five teeth, and the internal orbital member (1 in Phillips) having external gear teeth comprising four teeth; the machine body (not numbered; however, clearly seen in Fig. 5 in Phillips; 10 in White, Jr.) being formed of two mutually connected parts, a first part forming an operative body (see Fig. 5 in Phillips; see Fig. 1 in White, Jr.) which contains the external orbital member (3 in Phillips; 29 in White, Jr.), and a second part forming a supporting body (see Fig. 5 in Phillips; see Fig. 1 in White, Jr.) which contains the transmission member (see Fig. 5 in Phillips; 32 in White, Jr.); one of the body parts being provided with the low and high pressure connections (14, 15 in White, Jr.); the low pressure and high pressure connections (see Fig. 5 in Phillips) being located in the body art forming a supporting body; the low pressure

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and high pressure connections (14, 15 in White, Jr.) being located in the body part forming an operative body; the external orbital member (3 in Phillips) being a distributor; a fluidic machine forming a hydraulic machine; a fluidic machine forming a pneumatic machine; a fluidic machine forming a pump (see col. 1, line 9-14 in Phillips).

Allowable Subject Matter

5. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art

The IDS (PTO-1449) filed on Dec. 27, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents: Wilsey (U.S. Patent Number 1,773,211), Hill et al. (U.S. Patent Number 2,484,789), Otto (Publication Number DE 862,094), and Friedrichshafen (Publication Number GB 859793), each further discloses a state of the art.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT
April 20, 2006


Theresa Trieu
Primary Examiner
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